



City of Arts & Innovation

COMPREHENSIVE SIGN CODE UPDATE SIGN CODE REVIEW COMMITTEE MINUTES

Monday, March 13, 2014

4:00 p.m.

MAYOR'S CEREMONIAL ROOM, CITY HALL
3900 MAIN STREET

1. Attendance

Committee and Community Members: Sandy Austell, Robin Bell, Pepi Jackson, Thomas Riggle, Bob Stockton, Andrew Walcker, Steve Whyld, Finn Comer, Allison Dale, Christina Duran, Gilbert Espinoza, Jennifer Gamble, Kim Hicken, Michael Johnston, Richard Kirby, Dennis Morgan, Damien O'Farrell, Janice Penner, Claudia Rodriguez, Cindy Roth, Tina Teets, Mark Thompson, Maria Ureña, Dana Winant, Zarate, Leni, Jeff Kraus, Timothy Ralston

Staff: Planning Division: Doug Darnell, Steve Hayes & Frances Andrade
City Attorney's Office: Robert Hansen

Consultants: Randal Morrison, Sabine & Morrison; Vivian Kahn, Dyett & Bhatia

Chair Riggle called the meeting to order.

2. Approval of February 13, 2014 meeting minutes

The minutes of February 13, 2014 were approved as presented.

MOTION made by Steve Whyld, SECONDED BY Sandy Austell, TO APPROVE the minutes of February 13, 2014 as presented. MOTION CARRIED: Unanimously.

Chair Riggle announced that the Smart Code Consultant Interviews were also scheduled today at 5:30 pm. Many members have expressed an interest in attending this meeting which will necessitate the Sign Code Review Committee meeting to end at 5:30. He encouraged everyone to ask questions as the presentation goes along and not wait to the end. He would like to try and keep the meeting going but will break if anyone has questions.

3. Oral Communications from the audience

Chair Riggle asked if there was anyone in the audience who would like to speak.

Gary Quiel, Quiel Brothers Signs, board member of the California Sign Association spoke. He stated he always respects what Riverside is doing. He has a local sign company in San Bernardino, and does work with Riverside a lot. Riverside is one of the upmost cities to work in, as they do a great job of code enforcement. He would like to make sure that within the new Code provisions that an inventory and abatement of illegal and non-conforming signs be provided as set forth in the California Business and Professions Code section 5491.1. This would allow for an inventory of the signs and would also indicate which signs are the illegal signs. Believe it or not there are a lot of illegal signs out there.

4. Welcome, Introductions & Meeting Objectives

Doug Darnell, Senior Planner, thanked everyone for coming and reiterated that it is important to the process that all members be present. He asked to go around the room and have everyone introduce themselves since there were a couple of new faces.

Mr. Darnell briefly clarified the purpose and scope of the Sign Code update. City staff has been directed by the City Council to update the general provisions of the Sign Code which is part of the Zoning Code. Part of that direction was to update the Code to reflect latest technologies and best practices. The scope will include amending the General Sign Provisions of the Zoning Code which relate mostly to commercial businesses and size but not limited to those on private property. Also, this involves an amendment/revision update to the Citywide Sign Design Guidelines. A link to these guidelines has been provided to all the members. The scope also involves looking at current sign permit procedures, application forms, as well as, once the Code is adopted, training for City staff.

The scope of work will not address billboard provisions, which is a separate chapter of the Zoning Code. It does not include private party signs on city owned property and in public rights-of-way. This process will not amend specific plans which may have special sign provisions such as the Downtown and Riverside Auto Center Specific Plans.

Mr. Darnell stated that the Committee is an advisory body that will review and make recommendations on changes to the sign provisions and design guidelines which will ultimately be reflected in what gets adopted. Because of the short timeframe for today's meeting, he has handed out to everyone a list of questions. Between now and the next meeting, he asked the members to review the questions and give them some thought, based on what is presented today. He stated he would send out an electronic version of the questions as well. He asked for everyone's feedback, via email, fax, etc.

5. Draft Report "Issues and Options for Sign Regulation"

Vivian Kahn, Dyett & Bhatia, reminded everyone that due to the interruption at the last meeting, they were unable to cover all of the topics or the questions for the Committee's input. The Committee had questioned at the previous meeting whether there were examples of other jurisdictions using the provisions suggested by the consultant. Ms. Kahn stated she had some examples to share with the Committee today. Items to be covered tonight: freestanding signs, monument signs, pole signs, pylon signs and a variety of others that are not attached to the building. If time permits, she will go over the next steps.

Circling back to the previous meeting, she presented the questions which cover broad issues about general provisions. She encouraged the committee members to provide their input.

1. Should the total sign "budget" (aggregate sign area) for projects in non-residential zones be adjusted (e.g. restrictions on maximum area and height adequate without limit on number)?
2. Should code regulate size of text and text area rather than number of information items?

3. Should specific additional adjustments to total sign area be created to account for specific circumstances, such as freeway-oriented sites?

Steve Whyld asked for clarification regarding the sign budget concept and asked if Ms. Kahn had an example.

Ms. Kahn explained the approach taken by the cities of Huntington Beach and Manhattan Beach. They both use the sign budget concept with slightly different approaches.

Randal Morrison noted that when he works with cities on Sign Code revisions, he very often assumes that the store owners want more flexibility in the Sign Code. What this usually means is loose rules, rules that are not clear, fuzzy rules. He always advises the City Attorney's office that this is dangerous and could possibly land in court. On the other hand, the sign budget concept, gives the store owner quite a bit of flexibility and it would be very easy to defend to a judge because there is a definite rule.

Finn Comer commented that the budget concept probably works in the Magnolia Center area and Brockton Arcade area where they are all individual building owners and they all do different lineal footage of signs. In centers such as Mr. Thompsons', Canyon Crest Town Center, would you just dictate to everyone what their sign will be?

Ms. Kahn replied that under certain circumstances, specified in the Code, you would still have to do a sign program that deals with issues like architectural compatibility, color and sign placement. In terms of the sign area, it would be regulated by this budget.

Dana Winant stated that the way the current Code is written, it provided for the opportunity to put a large sign up front and smaller at the sides. She felt there is flexibility in the current Code and liked it.

Ms. Kahn reiterated; she was only presenting the concept (a concept that does not limit what the numbers of signs should be). The current Code is specific about what you can and can't have. The budget concept doesn't get specific and allows the businesses to decide. There would still be a sign program in some cases, just that the sign budget will not specify how many of each type of sign would be allowed. She stated that she did not have any recommended formulas, and that those would be addressed in a future meeting should this concept sound reasonable to the Committee.

Dennis Morgan asked what the recommendation would be for a small commercial project that doesn't qualify for shopping center status. A large retail space on an inside corner, this is always a problematic situation.

Ms. Kahn referred to question 3. Should there be modifications for specific circumstance like an inside corner with businesses in the back? By only specifying a combination of a total area or a maximum for different types of signs, they can have a bigger sign in the back then the front or vice versa, or a bigger sign on the ground floor than on the second floor. She gave examples of other kinds of modifications that could be allowed taking into account the size and configuration of the lot, and the location of the building on the site.

Mr. Morgan felt that in most cities there is an inherent disadvantage to deeper commercial properties versus standard 60 foot shop buildings in that they have less lineal frontage.

Mr. Morrison said that usually the display area formulas are based on frontage but that is not the only possibility. Another option could be to base the formulas on the square footage of the store.

Ms. Kahn referred to the third question. For specific circumstances, modifications could be allowed. She could look at what other jurisdictions are doing and test a combination of numbers to see what would work. It would all depend on how big the area would have to be in order to allow the business to be seen from the back. What additional percentage can be allowed? She asked if this would address Mr. Morgan's concern.

Mr. Morgan replied that it could.

Andrew Walcker asked for clarification regarding "frontage". Does this refer to lot frontage or building frontage?

Mr. Morrison indicated that it can be written either way.

Mr. Walcker asked about a wide lot with a little building on it, it's going to have great sign and vice versa.

Ms. Kahn noted that sometimes it is written whichever is less or whichever is more (1.5 per lineal feet of frontage or Y number of feet whichever is more or whichever is less). Again, does the concept seem to make sense and if so, she could come back at a future meeting with formulas.

Mr. Walcker noted that as long as the lot was not being penalized.

Mr. Darnell mentioned that in most Codes, it is linear wall frontage for wall signs and linear lot frontage for monument signs.

Mr. Morgan noted that many cities, including Riverside, are strongly encouraging reverse frontage developments. In such a situation, retailers will need a sign out on the boulevard or the street and one facing the parking. This structure is kind of based on the traditional model where you have a retail center with parking in front, so how would the budget concept adjust to having two surfaces?

Ms. Kahn replied that adjustments could be made.

Gabriel Espinoza stated that last year he had worked with staff to try to install a monument sign at one of their medical clinics but in the end it wasn't worth it for them to proceed. Churches and schools are able to have changeable letter monuments. He wanted an electronic one at the medical facility so that they could advertise free flu shots, community events, etc. but that idea was shot down. He asked about the alcohol signage at the mom and pop businesses. When you go to the Eastside, you can't even see the wall, full of horrible environmental design signage.

Ms. Kahn said this would affect all kinds of signs. But again, it would be the area and size of the letters. She hoped to get to the topic of monument signs. Under the budget concept there is the flexibility to decide between a monument sign instead of a wall sign or a window sign. There are many options under the budget concept with the possibility of substitutions such as what Manhattan Beach does.

A Committee member stated that she wanted to follow-up on Mr. Morgan's comment. In Hunter Park, the scenario described with a building having some frontage with parcels in the back. Those parcels in the back would not be identified unless there was both signage on the building and a monument sign. The Committee should definitely consider both situations as it relates directly to Hunter Park.

Ms. Kahn pointed out that this could be considered under the budget concept and provide such businesses with more than might be allowed under the existing Code.

Mr. Morgan stated that as a community, the City would want to encourage larger assembled land developments. Historically, one of the ways to do this is to incentivize project signage. Under the budget concept the developer may take a lot of that sign budget and install a pylon sign. This would penalize the tenants that go into the center because they would have smaller signage than the competing tenants across the street and that would not be right.

Ms. Kahn explained that Huntington Beach handled this situation by not having a total area limit if the site is larger than 50,000 square feet.

Bob Stockton expressed his concern in that a whole building could potentially be signage. There could be multiple signs, with no maximum. Theoretically you could create quite a bit more sign area under this scenario.

Ms. Kahn noted that there are still other standards for different sign types. Just because this is the way Huntington Beach does it, doesn't mean it will work for Riverside. Huntington Beach doesn't have a maximum total, just a maximum for each sign type, they do not specify how many of each type of sign there can be.

Mr. Darnell added that it would appear to be an advantage to do away with the limitation of the number of types of signs allowed.

Mr. Stockton said that the idea of a sign budget sounds good, there just so many variables to it.

Chair Riggle noted the flexibility in signage available under the sign budget. He clarified that staff was looking for direction. Is the concept of a sign budget that allows for flexibility within the site preferable versus a prescriptive sign concept? The parameters and formulas can be worked out later; staff is seeking the Committee's preference.

Mr. Stockton did not feel the Committee could definitively answer that question until they had more information.

Ms. Kahn indicated she was seeking direction from the Committee, do they want to limit the signs by type or does the sign budget concept seem like a good idea. If so, she could draft

some proposals for a future meeting. Another issue that will be coming up for discussion is variances. Her recommendation would be not to require a variance in all cases when the sign does not meet the standards. A discretionary review process to grant modifications and waivers could be included. There could be special exceptions for very deep lots, lots with mixed topography where the building site is far from the public right-of-way.

Ms. Winant stated that the sign budget works well just for wall signs but not freestanding. A scenario of a small strip center with three tenants where one installs a monument sign and takes away from the other tenant's wall signs. She did not see it calculating out.

Mr. Morrison stated that there was a possibility to get around that problem. Is the "signage right" assigned to the building or the businesses therein? This is called separately leasable space and if the signage rights and duties apply to the separate leasable space, then tenants don't get into fights with one another.

Ms. Winant added that this still poses the question of who goes on that monument.

Mr. Morrison explained that in general that is something for the landlord to work out with the tenants. It is part of the rent negotiation.

Ms. Winant noted that this is where you see business putting up illegal signage. Maybe they don't have the same right and want to do what their neighbor did. Her company won't put up these signs but their competition would so that this would affect them.

Mr. Comer noted that there is a professional who likes the current rules. The consultant is recommending a sign budget but is there another option? Maybe three options, fix what we have, go to a sign budget, or something else.

Chair Riggle suggested that perhaps the third option could be a budget for the site and budget for the building. It would then allow flexibility to do what you are talking about.

Ms. Kahn said that what is being proposed is in response to what we have heard. Among the concerns that have been heard is, more flexibility in the Sign Ordinance. The sign budget is one way those jurisdictions who say they want more flexibility can achieve that. She called out to those in the sign industry and inquired what other jurisdictions and whether it worked better or worse than Riverside. She is not in favor of any particular approach, just making suggestions based on the input they have received.

Robin Bell said he has been quiet because he is trying to wrap his mind about what is being discussed. The scenarios between a 3 story, or higher, building is different than a retail environment as far as he is concerned. He wants to understand the concepts before someone jots it down and says, this is the way we're going.

Ms. Kahn reiterated that this is a starting point, sort of a general rule. In addition to this general rule there would be specific rules for different sign types, different districts. For instance, is this a freeway oriented district or site or is it a pedestrian oriented district?

Mr. Whyld asked if Ms. Kahn could consider a theoretical building site with buildings, along an arterial street and provide an example of how the sign budget could be applied versus the

current Sign Code. This would help the Committee if they could visually see how this is going to work.

Mr. Stockton clarified that he wanted to be careful that they do not create a situation either through the budget concept or whatever where existing businesses would be penalized. The Committee would be doing a disservice to the existing businesses if they create a standard that gave someone a competitive advantage.

Mr. Morrison noted that if the new Code gives more signage rights to an already established business, they have the right to increase to the current level.

Mr. Stockton agreed and noted that this would penalize the new business because now they have to spend money in order to do that.

Chair Riggle agreed but conversely it could open up the flexibility to where that business may have been wanting to change their sign, but under the current Code couldn't. This could work both ways, not just a negative.

Mr. Morgan wanted to make a couple of points in that it is important to note that monument and pylon signs are typically driven by the developer/owner. This is a distinct group that is typically approaching staff with their proposals. Then you have the tenants. The budget concept could work if it was in two distinct groups. Secondly, he expressed his concern for staff. More fees may be involved because staff would have to do a complete update of the property based on the square footage of signs already approved and the proposed signs submitted for approval. He asked for staff's input because it appeared there would have to be a re-count every time someone applies for a sign permit.

Ms. Kahn noted that typically when someone applies for building permits, they provide a site plan that shows everything on the site. This would be the same the concept.

Chair Riggle clarified that Mr. Morgan's concern was that when someone submits for a sign permit, staff would have to review it under the new Code and determine what the budget was for the site, whereas before all those signs were permitted, it is all good. He asked staff to speak to the variances most common under the current sign Code. This would be an indicator to him of where the Sign Code is being challenged and whether it needs to be expanded to allow larger signs or more of them.

Mr. Hayes informed the Committee that the most common challenges staff faces with the Sign Code is eliminating the articles of information on either freeway or monument signs. The other isn't so much individual tenant signs but more related to monument and freeway signs.

Ms. Kahn added that she recalled a variance for the height of a monument sign. The monument sign was architecturally designed and the applicant was dinged because of the design. Another variance was for additional signage because there was more than one frontage. The applicant requested a second monument sign on the second street frontage. Ms. Kahn indicated that as the consultant, they reviewed variance applications to see where variances were being approved and looked at what appears reasonable but the current code doesn't allow. are trying to find an easier way to deal with these situations other than

variances. This is one of the reasons they include training when they do a new Sign Code, to ease the transition.

Mr. Morrison cautioned everyone not to use the variance technique to say that, “for this case, the Sign Code doesn’t matter.” The variance, when properly applied, has a list of findings that have to be made by State law. There must be a hearing to show all the facts that support the findings. The ideal being, they stick with dimensional kinds of issues. You have to watch out that variances are not used to make the Sign Code disappear into the sunset.

Mr. Darnell added that variances have to demonstrate an undue hardship on whomever is applying for the permit and that it is not a grant of special privilege.

Ms. Kahn agreed and noted that currently, everything requires a variance if it doesn’t meet the requirements. This forces you to make findings that say there are exceptional circumstances that do not apply throughout the district. A variance shouldn’t be granted just because somebody wants to do something different.

Mr. Quiel commented that he has seen other jurisdictions that allow a 10% increase in height or square footage that will allow staff review to bend the rules.

Chair Riggle announced the time, 5:10 p.m. He asked for a show of hands, not a vote in approval of anything, but a poll to see who liked the budget concept versus the current Sign Code.

The unofficial poll of the Committee indicated the majority of the members were interested in a budget concept.

Chair Riggle, based on the poll, requested staff and the consultant to provide examples in a side by side comparison, of the signage on a retail site. He suggested sectioning out things that may fit a sign program. The scenario should include more of a general commercial office and the typical sign situations that would relate to buildings.

Ms. Kahn asked if there was a consensus on the second question about regulating the size of text and text area instead of the number of information items.

Mr. Morrison stated that the term “number of information items” was confusing. He had very serious concerns about regulating the size of text and text area because that is considered graphic design. That is the way a city gets in trouble regulating signs, by looking at the content and making rules that apply based on the content. He strongly recommended staying out of color rules, text rules and graphic coverage area.

Chair Riggle questioned whether even a maximum size would be something they should stay away from?

Mr. Morrison replied that they could define the display area available, after that it is the sign owner’s choice.

Mr. Hayes explained why the “articles of information” provision is in the City Code. Mr. Morrison’s point is good and if there is a way to remove this from the Code, staff would be in

support. The main issue is one of clutter and visibility on a monument sign (advertising 15-16 tenants) and the safety issues of legibly reading these signs as one drives down the street.

Mr. Morrison explained that the issue of signage allotted to the individual tenants is a matter of negotiation at the time of leasing the space and is not the city's business.

Ms. Kahn added that one of the reasons this may happen is because they are allowed only one monument sign. This gets back to the issue of allowing more flexibility so that they can figure out how they want to list their business.

Mr. Morrison explained his role on the Committee is to red flag anything that raises the risk of litigation i.e. what is the risk of litigation connected to the topic being discussed.

Mr. Walcker felt there was a potential problem with the text size. Small text on an arterial road with speeds of 45-50 mph will get people slowing down to read the sign which is a public safety problem. This introduces an erratic traffic behavior.

Mr. Morrison commented that he had no doubt the impulse, desire to regulate the size is good. The question is when you do it for one sign, it sets a precedent and a litigation risk. The safe way is to define the display area and leave it up to the sign owner.

Mr. Stockton inquired if the Committee could ask that a minimum letter height be defined.

Mr. Morrison replied that his recommendation is no. The Committee could adopt a policy. One of the side issues that come up is the display of a federally registered trademark. For example, a case out of Tempe, Arizona says they City could not impose its color requirements on a federally registered trademark.

Chair Riggle asked for a show of hands to see how many members would be in favor of regulating the size of text on signs. He stated this was not an official vote but a poll to provide staff with direction.

Chair Riggle announced it was a split decision.

Mr. Comer stated that he would be in favor of regulating the size because of the safety issue of trying to read signs going at 40 mph.

Chair Riggle pointed out that the issue is regulating the copy. He did not support this because it puts the City in harm, open to litigation.

Mr. Whyld added that the industry has standards, guidelines that indicate size/heights of individual letters than can be read at certain distances based on speed limit.

Mr. Morrison said he has read those studies which come out of the University of Pennsylvania.

Robert Hansen, City Attorney's Office, suggested that the Committee can always make the recommendation that the City Council adopt those guidelines after having gone through a risk benefit analysis. Although it may pose a risk, it has been analyzed and the benefit outweighs the risk and the Committee can make that recommendation.

Chair Riggle said that it would work for him if the study was referenced as general standards of practice and recommend that the applicant read and consider the study in their design.

Mr. Bell clarified that this study is not recommended as a standard in the industry. It is just a study that outlines what can be seen visually while driving.

Chair Riggle agreed but noted that it could be recommended that the applicant read the study in preparation of designing their sign.

Ms. Kahn stated that if there is any discretionary review involved, that would be the basis for denying an application, because you couldn't read it unless you were 2' away and that is inconsistent with the study that show it could be dangerous. This description would be a finding.

Committee member inquired if it has it been discussed or considered, would the City require a sign permit to change a face on the monument sign? They see it in the industry all the time where tenants are going to place their own sign and it will start to look like clutter. In many cases the owner does not care or is absentee.

Ms. Kahn generally changing or repainting the sign is not subject to review.

Chair Riggle stated that without review of the copy, someone could put some inappropriate thing on their sign.

Mr. Morrison responded that there are some classes of speech that do not have first amendment protection. If anyone wanted to put up a sign that had an image that met the definition of obscenity, staff has recourse through State Law to go after it. The local Sign Ordinance does not need to address those things.

Mr. Thompson expressed his concern that without a sign permit, there is no control, especially if there is absentee ownership. It has the potential to blow up beyond clutter.

Chair Riggle referred to counsel's direction in that there is the definition of a sign and defining the copy of the sign. The Committee is reviewing the sign itself, the monument not the text copy.

Mr. Thompson suggested that it needed to be clearly defined because it could turn a beautiful monument into something awful.

Mr. Morrison answered in that the monument has to be permitted when it first goes up. After it meets the initial requirements of the permit, the City really should not be involved in the change of copy.

Mr. Thompson stated he disagreed; whether it is right or not because it will look like a cluster. There has to be some control by the City.

Mr. Morgan asked staff whether the current practice required a permit to change the copy.

Mr. Darnell replied that he believed this was the case but he would look into it and confirm this at the next meeting.

8. Adjournment

Chair Riggle, due to the hour, asked for a count of members who would be leaving to attend the Smart Code Interviews in the Council Chamber. Eight members raised their hands.

He asked everyone to complete their questionnaires. This will help staff speed up the process.

Chair Riggle adjourned the meeting at approximately 5:30 p.m. to the next meeting, Monday, April 14, 2014 in City Hall, Mayor's Ceremonial Room, 7th Floor, at 4:00 p.m.